Clause 73.

MR. N. RAMAKRISHNA PILLAI: Sir, in Clause 73, line 3, for the word "and" substitute the words brackets and figures "the Travancore Chitties (Amendment) Act (Act I of 1100) and".

RAJYASEVAPRAVINA G. PARAMESWARAN PILLAI: I second it.

The motion was put to vote and carried.

Clause 73 was put to vote and carried.

Clause 73 was added to the Bill.

MR. N. RAMAKRISANA PILLAI: Sir, I move that after the figures "11" in clause 1, the figures "20" may be added.

RAJYASEVAPRAVINA G. PARAMESWARAN PILLAI: I second it.

The motion was put to vote and carried.

Title and preamble:

The question that the title and preamble of the bill do stand part of the bill was put to vote and carried.

The title and preamble were added to the Bill.

MR. N. RAMAKRISHNA PILLAI: Sir, I beg to move that the Bill be passed.

The Bill was put to vote and carried.

THE TRAVANCORE TRADE BOARDS BILL.

MR. N. RAMAKRISHNA PILLAI: Sir, I beg to present the report of the Select Committee on the Travancore Trade Boards Bill and I move that the Bill be taken into consideration.

RAJYASEVAPRAVINA G. PARAMESWARAN PILLAI: I second it.

MR. K. C. KARUNAKARAN (*Nominated*): Sir, under standing order 41, page 34 of the Manual, I move that the Travancore Trade Boards Bill be recommitted to the Select Committee.

In doing so, I would like to bring to the attention of the House that this is a new piece of legislation in the whole of India. We have no similar legislation in any part of India to guide us. It is true that this has been introduced in the legislature and has been referred to a Select Committee.

The Select Committee has submitted its report and now it has come up for second reading. Studying this Bill carefully, both the representatives of the Labour and the Employer have come to the conclusion that by referring this question to a Select Committee again a good deal of improvements and of compromise can be effected with regard to it.

Sir, I would point out to the attention of the House that Clause (4) where many amendments have been put forward by various

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members for having a schedule of industries to be incorporated with this original Bill. Again, I would point out clause 9 (5), which goes against the practical conventions which have been introduced in the industry about four years ago and which is working very favourably for the settlement of industrial disputes. I may add also Sir, that that convention founded on a voluntary basis was introduced with your advice and under your instruction. I should say that even the great Sassoon House at Bombay has accepted that underlying fundamental principle. By accepting this section as it is we are enacting a piece of legislation which goes against the fundamental convention.

Then, Sir, section 16 is really putting too much responsibility on the employer.

I would also draw the attention of the House to clause 2 (*c*) where some of the Select Committee members included "Agriculture" also in this Bill. But this House has referred the Bill to the Select Committee on one principle, that is, the principle shall apply to certain trades. It must be made more clear whether "trade" includes agriculture also. If that be so, we have to get the assent of the representatives of the agriculturists. In this connection, I would point out that even in the United Kingdom, agriculture is not included in the Trade Board Act now operating there. They have got a separate committee called the Agricultural Wages Committee which regulates the wages in agriculture.

From the amendment I see that the Lady Member of the House has brought in certain important amendments relating to the part the women members of the industry are asked to play as members of these trade boards and I suggest that this Lady Member also be nominated to the Select Committee.

So far as I could see from the discussion in the Select Committee the new interpretation given to the word "Minimum Wage" has become changed altogether in the United Kingdom as a result of the growth of industrial democracy. Sir, "Minimum wage" has been interpreted as "subsistence wage" or "living wage". I gather from the recent publications regarding this aspect of the industry that this interpretation has changed and it has come to be known as the "lowest wage legally payable in a trade". It is no more related to the subsistence wage. That fundamental aspect of the minimum wage has also to be taken into consideration in going through this Bill.

MR. P. N. KRISHNA PILLAI (*Co-opted*): Sir, normally I would oppose this move for the recommittal of the Bill to the Select Committee. But certain arguments advanced by the honourable member who just sat down tempt me to accept the proposition of recommittal. At the same time, I am against some of the changes which the learned member wants to introduce. One of the main reasons why I agree to the recommittal is this: Even in England when this Trade Boards Bill was introduced there were certain industries chosen before hand to which the bill automatically applied. A schedule was given and this Bill,

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[Mr. P. N. Krishna Pillai.]

even though it may be passed in this House, will not be *ipso facto* applicable to any industry. At the Select Committee this question was raised and of course amendments are tabled to include certain industries. I doubt whether this will be a proper forum to determine and to choose the industries which may be included in the schedule. The Committee may be more apt to decide which of the industries ought to be included in the schedule. My friend representing the employers, I find, is amenable to that course of action. Another reason pointed out by my friend was that the dates on which the recommendation of the Board is to come into effect is only a prospective date after the order of the Government and not retrospective. Of course, as my friend pointed out, this principle had been followed by voluntary industrial councils in this State by which the workers have earned thousands of rupees by way of retrospective application of agreements which we have arrived with the employers' councils with regard to the fixation of wages.

Many of these things were considered by the Select Cemmittee. To be frank, under the new dispensation of things, I am sorry to say the Select Committee had just the quorum.

With regard to the question of Agriculture, I do not think there is any new principle involved. Any legal dictionary will show that the term 'business' includes Agriculture as well. In England there is a new wages Act to determine the fixation of the agricultural wages. There is nothing contrary to the principle of the Bill if agricultural operations are included within the ambit of it.

On the whole, seeing the number of amendments tabled and also the facilities that will be afforded at the committee stage to go into the question as to which all industries should be included in the schedule, I also concur with my honourable friend that the Bill should be sent back to the Select Committee.

MR. K. A. MATHEW : Mr. President, I was a member of the Select Committee appointed to go into this Trade Boards Bill. I agree with my friend Mr. Krishna Pillai that we had only just the quorum at the meeting of the Select Committee. Now, my friend Mr. K. C. Karunakaran has asked the House to recommit the Bill to the Select Committee. I have no objection. I have tabled certain amendments to be moved regarding the provisions of this Bill. I am sorry I do not agree with him in some of the reasons which he adduces for the recommittal of this Bill. He has, for instance, questioned the appropriateness of having included agriculture also among the trades by the Select Committee. I am not prepared to accept that position of his and I would certainly want to see agriculture also included by the new Select Committee.

Regarding the schedule also, I would like to see a schedule of trade provided in the Bill, so that the Act may apply without loss of

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time to those trades. Certainly we welcome the proposal to give more time to discuss this Bill; and without committing ourselves to the reasons advanced by Mr. Karunakaran my party is agreeable to the question of recommittal to the Select Committee.

PRESIDENT : Is it a proposal for recommittal to the original Committee?

MR. K. C. KARUNAKARAN : I suggest that three more members be nominated to the Committee.

PRESIDENT: In any motion for committal or recommittal the names of the members must be given. Mr. Legal Remembrancer, have you got the names ready? Do you accept the motion for recommittal?

MR. N. RAMAKRISHNA PILLAI : Yes, Sir, I move that the Bill be recommitted to a Select Committee consisting of the following members:—

1. Mr. S. Chattanatha Karayalar
2. ,, K. C. Karunakaran
3. ,, K. A. Mathew
4. ,, V. S. Krishna Pillai
5. ,, M. L. Janardanan Pillai
6. ,, P. S. Nataraja Pillai
7. ,, Puliyoor T. P. Velayudhan Pillai
8. ,, P. N. Krishna Pillai and
9. Sry. T. Narayani Amma

The motion was put and carried.

MR. S. CHATTANATHA KARAYALAR : I submit that definite points of reference may be stipulated.

PRESIDENT : The rules provide for it.

AMENDMENTS TO THE FIRST SCHEDULE OF THE CIVIL PROCEDURE CODE, 1100.

MR. N. RAMAKRISHNA PILLAI : Sir, I move that the amendment to the first schedule of the Civil Procedure Code, 1100 be taken into consideration.

RAJYASEVAPRAVINA G. PARAMESWARAN PILLAI : I second it.

Orders 1 to 16.

The question that orders up to 16 stand part of the rule was put and carried.

Order 17.

The question that order 17 stands part of the rule was put and carried.

Orders 18 to 20.

The question that orders 18 to 20 stand part of the rule was put and carried.

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